

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

SPINE SOLUTIONS, INC., a Delaware corporation; SYNTHES SPINE COMPANY, L.P., a Delaware limited partnership; SYNTHES, INC., a Delaware corporation,

Plaintiffs-Counterdefendants,

v.

MEDTRONIC SOFAMOR DANEK, INC., an Indiana corporation, and MEDTRONIC SOFAMOR DANEK USA, INC., a Tennessee corporation,

Defendants-Counterclaimants.

Civil Action No. 2:07-cv-02175-JPM

Judge: Jon Phipps McCalla

Magistrate Judge: Diane K. Vescovo

CERTIFICATION OF CONSULTATION

The undersigned certifies that the counsel for the Defendants has consulted with counsel for Plaintiffs on the matters that are the subject of this Motion and agreed as set forth in the Stipulation, Sealed Document No. 504. Plaintiffs' Counsel does not oppose approval of an irrevocable letter of credit in lieu of a Supersedeas Bond. Plaintiffs' Counsel also does not oppose an extension of the automatic stay of execution during the pendency of this Motion. Plaintiffs' counsel has not, at this time, consented to the terms of the letter of credit.

s/John R. Branson

John R. Branson

CERTIFICATE OF SERVICE

The undersigned hereby certifies that copies of **CERTIFICATE OF CONSULTATION** filed through ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on September 28, 2009.

s/John R. Branson

John R. Branson